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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,270	07/17/2002	Joerg Sutter	10191/2266	8811
26646	7590	06/07/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			RO, BENTSU	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Applicant(s) 10/088,270	Applicant(s) SUTTER ET AL.	
	Examiner Bentsu Ro	Art Unit 2837	

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 8-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


 Bentsu Ro
 Senior Examiner
 Art Unit: 2837

Continuation of 10. Other:

In response to applicant's argument filed 5/24/2004, the examiner has reviewed his first and second office actions. After reviewing his office actions and after reviewing applicant's arguments, the examiner has concluded that his office action is accurate and correct.

Applicant's argument is not convincing because the examiner still believes that his analysis of Ogasawara teaching and the comparison chart between the prior art teaching and the claimed subject matter is correct.

Applicant's argument is not convincing because:

(1). Applicant argues that the prior art does not teach the features of

"an electronic control unit for controlling the output stages using operating PWM control signal, a pulse width of the control signals being reducible as a function of a magnitude of a supply voltage and a specified setpoint such that the motor is protected against overloading, the control signals being determined by a specified operating setpoint up to a nominal voltage of the supply voltage, in which the pulse width of the control signals is reducible in linear or nonlinear proportion to an increasing supply voltage only upon exceeding the nominal voltage."

However, applicant should read the comparison chart. Each and every element of claims and each and every element in the prior art teaching are listed in the comparison chart.

(2). Applicant argues that the "setpoint and the nominal voltage are not the same parameter."

The examiner does not say that the nominal voltage and the setpoint are the same parameter. However, if they are same, then that's still OKed as long as the claimed subject matter is met. Thus, even if setpoint and the nominal voltage are same, there is still no contradiction.

To clarify, the examiner has interpreted the "nominal voltage" as a single, fixed value at Eb1 (see Fig. 5), whereas the "specified setpoint" is a voltage value at the minimum of the motor voltage chopping wave, see Fig. 4 (a), and, the "specified operating setpoint" is a voltage value set by a user, which can be started from below Eb1 to Eb1 and above. The specified setpoint can be same as the nominal voltage but the meaning is different and there is no contradiction.


Bentsu Ro
Primary Examiner